

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re	)	Chapter
	)	Case No. LA _____AA
	)	Adv. No. LA _____AA
Debtor(s))	
_____	)	ORDER RE PRESENTATION OF
	)	EVIDENCE BY DECLARATIONS
	)	FOR COURT TRIAL; FILING
	)	JOINT PRE-TRIAL ORDER
Plaintiff(s)	)	PURSUANT TO LOCAL RULE 7016-1
)	
v.)	
)	
	)	Date:
Defendant(s).	)	Time:
_____	)	Place: Courtroom

Trial of this proceeding is set for _____ beginning at _____ (NO CONTINUANCES WILL BE GRANTED).

The following procedures are to be followed for the presentation of evidence to be offered at the trial.

The purpose of this procedure is to ensure a fair and expeditious trial. The procedure is similar to a motion for summary judgment, except that the admissibility of a declaration is dependent upon the presence of the declarant at trial subject to cross-examination. Unless otherwise permitted by the Federal Rules of Evidence, a witness may be cross-examined only as to those matters set forth in the witness' declaration.

1. DECLARATIONS:

(a) Except as herein provided, each party shall present the testimony of all its witnesses through declarations of said witnesses, under penalty of perjury, otherwise admissible under the Federal Rules of Evidence.

(b) The only oral testimony which may be offered at trial by a party through its witnesses will be strictly limited to rebuttal testimony.

(c) If a portion of a witness' declaration concerns an exhibit to be admitted into evidence at trial, the exhibit must be attached to the declaration.

(d) If a party is unable to obtain a declaration of a witness, counsel for that party shall file a declaration stating the name of the witness and a detailed summary of the expected testimony and why counsel was unable to obtain the witness' declaration.

(e) If a party intends to present a witness' testimony by a transcript of a deposition of the witness, only those portions of the transcript intended to be offered should be attached to its counsel's declaration.

(f) The declaration of a witness for a party will be admissible at trial, subject to timely objections, only if the declarant is present at trial, and subject to cross-examination.

2. TIME FOR FILING DECLARATIONS AND OBJECTIONS TO DECLARATIONS:

(a) Plaintiff shall serve and file its declaration(s) on or before _____.

(b) Defendant shall serve and file its declaration(s) and any evidentiary objections it has to plaintiff's declaration(s) on or before _____.

(c) Plaintiff shall serve and file its reply declaration(s) and any evidentiary objections it has to defendant's declaration(s) on or before _____.

(d) Defendant shall serve and file any evidentiary objections to plaintiff's reply declaration(s) on or before _____.

(e) NO OTHER DECLARATIONS WILL BE ALLOWED. The only additional evidence a party may offer at trial is true rebuttal evidence.

3. TIME FOR FILING BRIEFS:

If a party wishes to file a trial brief, such brief must be filed with the party's initial declaration(s). NO OTHER BRIEFS WILL BE ALLOWED.

4. PRE-TRIAL ORDER:

The parties shall file a joint pre-trial order pursuant to Local Rule 7016-1 on or before _____.

5. OTHER:

_____.

IT IS SO ORDERED.

Dated: _____

ALAN M. AHART
United States Bankruptcy Judge